

AUDIO SERVICES DIVISION

Fed

Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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OCT 24 2005

Federal Communication Commission  
Bureau / Office

2005 OCT 25 P 2:25

In re Matter of:

Amendment of Section 73.202 (b)  
Table of Allotments,  
FM Broadcast Stations,  
Glenville, Weaverville, and  
Clyde, North Carolina;  
Tazewell, Tennessee

MB Docket No. 02-352  
RM-10602  
RM-10776  
RM-10777

Amendment of Section 73.202 (b)  
Table of Allotments,  
FM Broadcast Stations,  
Elberton and Union Point,  
Georgia

MB Docket No. 05-191  
RM-11243

To: Chief, Audio Division,  
Media Bureau

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Federal Communications Commission  
Office of the Secretary

PETITION FOR RECONSIDERATION

Respectfully submitted,

WILLSYR COMMUNICATIONS, LIMITED PARTNERSHIP

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### PETITION FOR RECONSIDERATION

Willstyr Communications, Limited Partnership ("Willstyr"), by its counsel, pursuant to 47 CFR 1.106, hereby submits its "Petition for Reconsideration" of Report and Order in MB Docket No. 02-352, DA 05-2696, rel. October 14, 2005. Therein, the Audio Division, Media Bureau, approved a "Joint Request for Approval of Universal Settlement Agreement," filed September 19, 2005, purportedly by Glenville Radio Broadcasters ("GRB"); the Stair Company, Inc. ("Stair"); Georgia Carolina Radiocasting Company, L.L.C. ("GCRC"); and Franck McCoy ("McCoy"). The Bureau re-allocated Channel 290 C2 to Weaverville, North Carolina, on the basis of this settlement agreement.

The settlement agreement provided for the withdrawal of GCRC's counter-proposal for Clyde, North Carolina; payment of \$200,000 to GCRC; and the grant of Stair's proposal for Weaverville, North Carolina.

On September 29, 2005, a "Request for Leave to Supplement and Supplement to Joint Request for Approval of Universal Settlement" was filed. Therein, the joint parties acknowledged that their request was incomplete and needed to be supplemented with additional information that was required by Commission Rules under 47 CFR 73.3525 (a). Willstyr filed "Comments" on October 11, 2005, and noted that the joint request was still not in compliance with Commission Rules.

### Basis for Reconsideration

The Report and Order failed to consider the September 29th supplement or Willstyr's comments. Accordingly, reconsideration is

required pursuant to 47 CFR 1.106 (c)(2). The Bureau is obligated to consider the joint request and settlement agreement, as supplemented by the parties on September 29th, and determine whether it is complete and in compliance with Commission Rules.

Reconsideration is also required in view of the action of October 17, 2005, by the Audio Division, Media Bureau, approving a settlement in the Biltmore Forest, North Carolina, proceeding. Therein, at footnote 6, the Bureau noted that the obligations of the parties to that settlement agreement are conditioned upon the performance of the parties to the Weaverville settlement agreement in MB Docket No. 02-352. In both settlement agreements, GCRC is to receive consideration for dismissal of its pleadings and proposals.

The Bureau further noted, at footnote 6, that the consideration is being paid to GCRC by Stair in the Weaverville settlement agreement and is being paid to GCRC by Saga Communications of North Carolina, L.L.C. ("Saga") in the Biltmore Forest settlement agreement.

According to the Bureau, because "as best we can ascertain" Stair is unrelated to Saga, it is satisfied that the Weaverville settlement agreement is not being used to circumvent the limitations on reimbursement of expenses, pursuant to 47 CFR 73.3588, in the Biltmore Forest settlement agreement.

Thus, because the Bureau has acknowledged that it is not

certain of the relationship between Stair and Saga, it must make an inquiry as to this matter. Such inquiry would include whether Saga would be reimbursing Stair or a third-party payor, or making payments on behalf of Stair.

In addition, such inquiry must include whether Saga will acquire the license now held by Stair for re-allocation to Weaverville. That community is located in the Asheville metro. Saga is a party to a purchase agreement and pending application for assignment to acquire for about \$10 Million the Biltmore Forest station, which is also located in the Asheville metro. The Biltmore Forest station is a Class C3, while the Weaverville re-allocation will be a Class C2.

The economic fact that these stations operating in the same market would complement each other; the fact that Saga has placed a very high valuation on the Class C3 Biltmore Forest station; and the fact that the Weaverville and Biltmore Forest settlement agreements are tied together raises a substantial and material question of fact that the Weaverville and Biltmore Forest stations are part of a package deal to the same ultimate buyer.

Willsyr is concurrently filing a petition for reconsideration of the October 17th approval of the Biltmore Forest settlement agreement. It has long pending petitions in that proceeding which could be affected by the settlement agreement. Because the Biltmore Forest and the Weaverville settlement agreements are tied

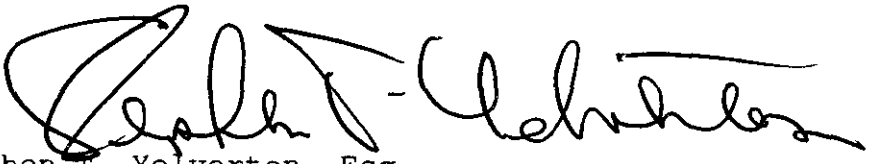
together, Willsyr thus has an interest in the Weaverville proceeding, as required by 47 CFR 1.106 (b)(1).

Conclusions

WHEREFORE, in view of the foregoing, the "Joint Request" and the Weaverville settlement agreement are not in compliance with Commission Rules, under 47 CFR 1.52 and 73.3525, and thus are not grantable. Accordingly, reconsideration of the grant is required.

Respectfully submitted,

WILLSYR COMMUNICATIONS, LIMITED PARTNERSHIP

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October 24, 2005

CERTIFICATE OF SERVICE

I, Stephen T. Yelverton, an attorney licensed to practice in the District of Columbia, do hereby certify that on this 24th day of October, 2005, I have caused to be hand-delivered or mailed, U.S. Mail, first-class, postage prepaid, a copy of the foregoing "Petition for Reconsideration" to the following:

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